



## Senate

General Assembly

**File No. 374**

February Session, 2006

Substitute Senate Bill No. 194

*Senate, April 5, 2006*

The Committee on Environment reported through SEN. FINCH of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING THE ENFORCEMENT OF HUNTING, TRAPPING AND FISHING LAWS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-56h of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) The court may, in the disposition of any criminal or motor  
4 vehicle case, including a dismissal or the imposition of a sentence,  
5 consider the fact that the defendant has made a monetary contribution  
6 to the Criminal Injuries Compensation Fund established under section  
7 54-215 or a contribution of community service work hours to a private  
8 nonprofit charity or other nonprofit organization. The court may also  
9 consider the fact that any defendant who has been charged with a  
10 violation of chapter 26 has made a monetary contribution to a  
11 nonprofit organization that provides rewards to persons who report  
12 violations of fish and game or wildlife protection laws.

13 (b) In entering a nolle prosequi, the state's attorney, assistant state's

14 attorney or deputy assistant state's attorney in charge of the case may  
15 consider the fact that the defendant has made a monetary contribution  
16 to the Criminal Injuries Compensation Fund established under section  
17 54-215 or a contribution of community service work hours to a private  
18 nonprofit charity or other nonprofit organization. The state's attorney,  
19 assistant state's attorney or deputy assistant state's attorney in charge  
20 of the case may also consider the fact that any defendant who has been  
21 charged with a violation of chapter 26 has made a monetary  
22 contribution to a nonprofit organization that provides rewards to  
23 persons who report violations of fish and game or wildlife protection  
24 laws.

25 Sec. 2. Section 22a-248 of the general statutes is repealed and the  
26 following is substituted in lieu thereof (*Effective October 1, 2006*):

27 As used in sections 22a-247 to 22a-249, inclusive, 22a-250, as  
28 amended by this act, and 22a-251:

29 (1) "Commissioner" means the Commissioner of Environmental  
30 Protection or his designated agent as defined in subsection (b) of  
31 section 22a-2;

32 (2) "Department" means the Department of Environmental  
33 Protection;

34 (3) "Person" means person as defined in subsection (c) of section  
35 22a-2;

36 (4) "Litter" means any discarded, used or unconsumed substance or  
37 waste material, whether made of aluminum, glass, plastic, rubber,  
38 paper, or other natural or synthetic material, or any combination  
39 thereof, including, but not limited to, fishing line, any bottle, jar or can,  
40 or any top, cap or detachable tab of any bottle, jar or can, any  
41 unlighted cigarette, cigar, match or any flaming or glowing material or  
42 any garbage, trash, refuse, debris, rubbish, grass clippings or other  
43 lawn or garden waste, newspaper, magazines, glass, metal, plastic or  
44 paper containers or other packaging or construction material which

45 has not been deposited in a litter receptacle;

46 (5) "Litter bag" means a bag, sack or other container made of any  
47 material which is large enough to serve as a receptacle for litter inside  
48 a motor vehicle or watercraft of any person and is not necessarily  
49 limited to the state recommended litter bag but shall be similar in size  
50 and capacity;

51 (6) "Litter receptacle" means a receptacle suitable for the depositing  
52 of litter;

53 (7) "Vehicle" includes every device capable of being moved upon a  
54 public highway and in, upon or by which any person or property is or  
55 may be transported or drawn upon a public highway, except devices  
56 moved by human or animal power or used exclusively upon stationary  
57 rails or tracks;

58 (8) "Watercraft" means any boat, ship, vessel, barge or other floating  
59 craft;

60 (9) "Public place" means any area that is used or held out for use by  
61 the public whether owned or operated by public or private interests;

62 (10) "Recycling" means the process of sorting, cleansing, treating  
63 and reconstituting waste or other discarded material for the purpose of  
64 using the altered form;

65 (11) "Recycling center" means any facility at which recyclable  
66 material is processed or stored, separated or prepared for reuse or  
67 resale;

68 (12) "Dump" means to discard (A) more than one cubic foot in  
69 volume of litter at one time or (B) furniture, garbage bags or contents  
70 thereof or other similar materials. Material which has been placed at a  
71 location with an intent to leave it indefinitely at such location, or  
72 material which has not been removed from a location within forty-five  
73 days, is deemed discarded.

74       Sec. 3. Section 22a-250 of the 2006 supplement to the general statutes  
75 is repealed and the following is substituted in lieu thereof (*Effective*  
76 *October 1, 2006*):

77       (a) No person shall throw, scatter, spill or place or cause to be  
78 blown, scattered, spilled, thrown or placed, or otherwise dispose of  
79 any litter (1) upon any public property in the state, (2) upon any public  
80 land in the state, (3) upon any private property in this state not owned  
81 by such person, or (4) in the waters of this state, including, but not  
82 limited to, any public highway, public park, beach, campground, forest  
83 land, recreational area, mobile manufactured home park, highway,  
84 road, street or alley except: (A) When such property is designated by  
85 the state or any political subdivision thereof for the disposal of garbage  
86 and refuse, and such person is authorized to use such property for  
87 such purpose; or (B) into a litter receptacle in such a manner that the  
88 litter will be prevented from being carried away or deposited by the  
89 elements upon any part of said private or public property or waters.  
90 For the purposes of this subsection, "public land" means a state park,  
91 state forest or municipal park or any other publicly-owned land that is  
92 open to the public for active or passive recreation.

93       (b) (1) Any person who violates any provision of subsection (a) of  
94 this section shall be fined not more than one hundred ninety-nine  
95 dollars. One-half of any fine collected pursuant to this subsection shall  
96 be payable to the state and one-half of such fine shall be payable to the  
97 municipality in which the arrest was made unless the arrest was made  
98 by a conservation officer, special conservation officer or patrolman  
99 appointed by the Commissioner of Environmental Protection under  
100 authority of section 26-5, in which case one-half of such fine shall be  
101 payable to the Department of Environmental Protection.

102       (2) Whenever any person is convicted of a violation of subdivision  
103 (2) of subsection (a) of this section, the court shall, in addition to  
104 imposing the fine authorized by subdivision (1) of this subsection,  
105 impose a surcharge in an amount equal to fifty per cent of such fine.  
106 Any such surcharge collected pursuant to this subdivision shall be

107 payable to the municipality in which the arrest was made unless the  
108 arrest was made by a conservation officer, special conservation officer  
109 or patrolman appointed by the Commissioner of Environmental  
110 Protection under authority of section 26-5, in which case such  
111 surcharge shall be payable to the Department of Environmental  
112 Protection.

113 (3) When any such material or substances are thrown, blown,  
114 scattered or spilled from a vehicle, the operator thereof shall be  
115 deemed prima facie to have committed such offense.

116 (c) No person shall dump, as defined in subdivision (12) of section  
117 22a-248, as amended by this act, any material upon any public  
118 property in the state or upon private property in this state not owned  
119 by such person except when (1) such property is designated by the  
120 state or any political subdivision thereof for dumping or such property  
121 is a licensed facility for such purpose, and (2) such person is  
122 authorized to use such property. It shall not be a defense under this  
123 subsection that the dumping occurred with the permission of the  
124 property owner. The commissioner or the municipality in which such  
125 dumping occurs may, upon complaint or on their own initiative,  
126 investigate any violation of this subsection.

127 (d) No person shall dump, as defined in this subsection, any  
128 material upon any public property in the state or upon private  
129 property in this state not owned by such person except when (1) such  
130 property is designated by the state or any political subdivision thereof  
131 for dumping or such property is a licensed facility for such purpose,  
132 and (2) such person is authorized to use such property. The  
133 commissioner or the municipality in which such dumping occurs may,  
134 upon complaint or on their own initiative, investigate any violation of  
135 this subsection. It shall not be a defense under this subsection that the  
136 dumping occurred with the permission of the property owner. As used  
137 in this subsection "dump" means to discard automobiles or automobile  
138 parts, large appliances, tires, bulky waste, hazardous waste, as defined  
139 in section 22a-115, or any other similar material.

140 (e) If the commissioner, after investigation, finds that there has been  
141 a violation of subsection (c) or (d) of this section, [he] the commissioner  
142 may issue an order pursuant to section 22a-225 to remove material  
143 dumped in violation of said subsection (c) or (d) to a solid waste  
144 facility approved by the commissioner.

145 (f) (1) If the chief elected official of a municipality, after  
146 investigation, finds that there has been a violation of subsection (c) or  
147 (d) of this section, [he] such chief elected official may send a notice to  
148 the owner of the property where such violation has occurred by  
149 certified mail, return receipt requested, to the address of record for  
150 property tax purposes. Such notice shall include (A) a reference to the  
151 statute alleged to have been violated; (B) a short and plain statement of  
152 the matter asserted or charged; (C) a demand that such property  
153 owner remove any material dumped in violation of subsection (c) or  
154 (d) of this section to a solid waste facility approved by the  
155 commissioner; and (D) a statement that such property owner has the  
156 right to a hearing to contest the chief elected official's finding and the  
157 date, time and place for the hearing. Such hearing shall be fixed for a  
158 date not later than ten days after the notice is mailed. The hearing shall  
159 be completed within fifteen days after such hearing commences and a  
160 decision shall be rendered within ten days of the completion of such  
161 hearing.

162 (2) The chief elected official or [his] such chief elected official's  
163 designee shall hold a hearing upon the alleged violation unless such  
164 property owner fails to appear at the hearing. If such property owner  
165 fails to appear at the hearing or if, after the hearing, the chief elected  
166 official or [his] such chief elected official's designee finds that material  
167 has been dumped on such owner's property in violation of subsection  
168 (c) or (d) of this section and such property owner has not removed  
169 such material to a solid waste facility approved by the commissioner,  
170 the official may order that such property owner within thirty days  
171 remove such material to a solid waste facility approved by the  
172 commissioner. The official shall send a copy of any order issued  
173 pursuant to this subdivision by certified mail, return receipt requested,

174 to such property owner. The person may appeal from an order of the  
175 chief elected official of a municipality under this subdivision in  
176 accordance with the provisions of section 8-8.

177 (3) If the owner fails to remove such material within thirty days  
178 from the date of the order issued by the chief elected official under  
179 subdivision (2) of this subsection, and no appeal of such order has  
180 been taken in accordance with section 8-8, the municipality may enter  
181 such property and remove such material to a solid waste facility  
182 approved by the commissioner.

183 (4) The provisions of this subsection shall not apply to any  
184 corporation subject to taxation under chapter 210.

185 (g) No property owner shall be ordered to remove dumped material  
186 by the commissioner or the chief elected official of a municipality  
187 pursuant to subsection (e) or (f) of this section unless (1) the  
188 commissioner or the chief elected official, as the case may be, finds that  
189 the property owner has dumped such material, or knowingly allowed  
190 another person to dump such material, in violation of subsection (c) or  
191 (d) of this section or (2) the commissioner or the chief elected official,  
192 as the case may be, has determined that there is no reasonable  
193 opportunity to compel the responsible party to remove the material or  
194 pay the costs of such removal.

195 (h) Any person who violates subsection (c) or (d) of this section shall  
196 be liable for a civil penalty of not less than one thousand dollars, nor  
197 more than ten thousand dollars for each day such violation continues.  
198 The Superior Court, in an action brought by the municipality or by the  
199 Attorney General on the request of the commissioner, shall have  
200 jurisdiction to issue an order to such person directing the removal of  
201 the material to a solid waste facility approved by the commissioner. If  
202 the court finds that the violation was wilful, it may impose a civil  
203 penalty equivalent to three times the cost of remediation of the  
204 violation in addition to other applicable civil penalties. The court may  
205 also order that a violator shall pay restitution to a landowner which  
206 the court finds has suffered damages as a result of the violation. All

207 such actions shall have precedence in the order of trial as provided in  
208 section 52-191. Any such action by the Attorney General shall be  
209 brought in the superior court for the judicial district of Hartford. Any  
210 vehicle used by any person in violation of subsection (d) may be  
211 forfeited in accordance with section 22a-250a.

212 Sec. 4. Section 26-112 of the general statutes is repealed and the  
213 following is substituted in lieu thereof (*Effective October 1, 2006*):

214 The commissioner may, after notice and public hearing, issue  
215 regulations governing fishing for all species of fish and the taking of all  
216 bait species in the inland district, which regulations may: (1) Establish  
217 the open and closed seasons, which may be modified by decreasing or  
218 increasing the number of days on any specific species, (2) establish  
219 hours, days or periods during the open season when fishing shall not  
220 be permitted in designated waters for all or limited species, (3)  
221 prescribe the legal methods of taking, (4) establish the legal length, (5)  
222 establish the daily creel limit, the season creel limit and the possession  
223 limit, (6) restrict or prohibit wading in streams or portions thereof,  
224 fishing from boats, canoes, rafts and other floating devices and fishing  
225 from designated land areas, (7) establish the maximum number of  
226 persons, boats, canoes and other floating devices that may use any area  
227 of water for fishing, (8) require that a permit be obtained from the  
228 landowner or his agent, or from the commissioner or an agent of the  
229 department, to enter upon designated premises or areas for the  
230 purpose of fishing, and further require that such permit be returned  
231 within a specified time to the issuing authority with an accurate report  
232 of all fish taken under such permit, time spent on the area and any  
233 other data required by the commissioner for management purposes,  
234 (9) restrict or prohibit the use of any craft other than manually  
235 propelled, (10) designate areas of land and water that shall be  
236 restricted for the exclusive use of children or the physically  
237 handicapped. For the purpose of protecting public and private  
238 interests and preventing unreasonable conduct and abuses by  
239 fishermen, and to provide reasonable control of the actions and  
240 behavior of such persons, said commissioner may issue regulations



241 and orders to (11) provide that entrance to and exit from streams, lakes  
 242 and ponds shall be restricted to rights-of-way designated by posters or  
 243 that consent shall be obtained from the landowner or his agent, (12)  
 244 establish reasonable distances from the banks of streams, lakes and  
 245 ponds beyond which fishermen shall not trespass, (13) prohibit  
 246 crossing over lawns and lands under cultivation, (14) prohibit damage  
 247 to property, livestock and agricultural crops, (15) prohibit swimming  
 248 and picnicking in designated areas, (16) prohibit the operation or  
 249 parking of vehicles on designated portions of public and private roads,  
 250 parking areas, lanes, passageways, rights-of-way, fields and lots, (17)  
 251 prohibit the discarding of fishing line, bottles, glass, cans, paper, junk,  
 252 litter and trash, (18) control the launching, anchoring, mooring, storage  
 253 and abandonment of boats, trailers and related equipment on  
 254 properties under the control of the commissioner.

255 Sec. 5. (NEW) (*Effective October 1, 2006*) Each fishing license issued  
 256 pursuant to part III of chapter 490 of the general statutes shall contain  
 257 a conspicuous statement printed on such license stating that any  
 258 person who discards fishing line in the waters of the state, on public  
 259 property of the state or on private property not owned by such person  
 260 shall be subject to a fine under section 22a-250 of the 2006 supplement  
 261 to the general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	54-56h
Sec. 2	<i>October 1, 2006</i>	22a-248
Sec. 3	<i>October 1, 2006</i>	22a-250
Sec. 4	<i>October 1, 2006</i>	26-112
Sec. 5	<i>October 1, 2006</i>	New section

**ENV**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	GF - Cost	\$20,000	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Department of Environmental Protection (DEP) to modify fishing licenses issued subsequent to the effective date of the act. It is estimated that the additional statement required on each license will result in a \$20,000 printing cost to modify the plates and reprint the licenses.

The bill specifies that the court may consider any monetary contribution made by a defendant to a particular nonprofit organization when disposing of any case involving a violation under chapter 26 of the Connecticut General Statutes. There is no fiscal impact anticipated as a result of this change since current law provides for court-ordered donations to any nonprofit organization.

**The Out Years**

None

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**OLR Bill Analysis****sSB 194****AN ACT CONCERNING THE ENFORCEMENT OF HUNTING,  
TRAPPING AND FISHING LAWS.****SUMMARY:**

This bill requires courts and states attorneys in charge of cases to consider that a defendant charged with violating fish and game or wildlife protection laws made a financial contribution to a nonprofit organization that rewards people who report violation of such laws. By law, courts may consider a defendant's contribution to the Criminal Injuries Compensation Fund in disposing of any criminal or motor vehicle case and a states attorney in charge of a case may consider such a contribution or community service by the defendant when dropping a case (i.e., when entering a *nolle prosequi*).

The bill adds fishing line to items considered litter when inappropriately discarded. It also adds discarded fishing line to items Department of Environmental Protection (DEP) may regulate and requires the department to print a notice against discarding fishing line on fishing licenses.

It also makes technical changes.

EFFECTIVE DATE: October 1, 2006

**FISHING LINE**

The bill adds fishing line to items considered litter. The law prohibits people from littering on public property or private property or any state waters. It subjects anyone who litters to a fine, which is higher if on "public land" (i.e., a state park or forest, municipal park,

or any publicly owned land open for recreation).

The bill requires DEP to print a conspicuous notice on fishing licenses stating that anyone who discards fishing line in state waters, on state public property, or on private property he does not own is subject to a fine of up to \$199. It also adds fishing line to items the DEP commissioner may prohibit from being discarded under fishing regulations. By law, violators of fishing regulations are subject to a \$150 fine (CGS § 26-117).

### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    28    Nay   0    (03/16/2006)